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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/600,911	08/01/2000	JERRY KANELLOS	47-139	2571

7590 03/12/2002

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EXAMINER

ROBINSON, HOPE A

ART UNIT

PAPER NUMBER

1653

DATE MAILED: 03/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/600,911

Applicant(s)
Kanellos et al.

Examiner
Hope Robinson

Art Unit
1653



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Dec 20, 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. PCT/AU99/00050.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☒ Interview Summary (PTO-413) Paper No(s). 8
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 1 20) ☐ Other:

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DETAILED ACTION

1. The Preliminary Amendment filed August 1, 2000 has been received and entered.
2. Applicant's election with traverse of Group I (claims 1-13) in Paper No. 7 is acknowledged. The traversal is on the ground(s) that claim 14 not be restricted out because it is directed to a method of obtaining a preparation which relies on the method of claim 2. Upon further consideration Group II (claim 14) has been rejoined with the elected group. Thus, claims 1-14 are under examination.

Specification

3. The specification is objected to because of the following informalities:
The specification is objected to because on page 3 appears an improper sentence structure where it is disclosed "with to form".

Correction is required.

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Abstract

4.

The abstract is objected to because this application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b).

An abstract on a separate sheet is required.

Claim Rejections - 35 U.S.C. § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 and the dependent claims hereto are indefinite because the claim recites “with to form”. The claim is further indefinite for the recitation of “including” as it is unclear what else is

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included in the method. It is suggested that the method recites the phrase “comprising” (see also claims 2-14 regarding “includes” and “involves”).

Claim 5 is indefinite because the claim is missing the transitional phrase “a” where the claim recites “at concentration of”.

Claims 10 and 12 are indefinite because the claims recite “and/or” and it is unclear what the slash mark is suppose to mean, just “and”, or just “or”. It is suggested that applicant delete the slash mark and one of the terms.

Claim 14 is indefinite because the claim lacks antecedent basis. The claim depends from claim 2 which is directed to a method of obtaining an enriched preparation of fibrinogen. It is suggested that claim 14 be rewritten in independent form with all the limitations of claims 1 and 2.

Art of Record

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mosesson (Biochimica ET Biophysica Acta, vol. 57, pages 204-213, 1962). Mosesson teach that L-lysine and ϵ -aminocaproic acid were shown to change the solubility characteristics of human fibrinogen and plasminogen in a manner that has been utilized to prepare fibrinogen free of this proenzyme. Mosesson also teach the use of NaCl and ethanol in obtaining the fibrinogen

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preparation. However, the present method does not use lysine, glycine or ethanol in the method to obtain a fibrinogen preparation. The claimed method uses heparin paste and SPS which is not disclosed in the Mosesson reference.

Conclusion

7. No claims are allowable.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Hope A. Robinson whose telephone number is (703)308-6231. The Examiner can normally be reached on Monday - Friday from 9:00 A.M. to 5:30 P.M. (EST).

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor Christopher S.F. Low, can be reached at (703)308-2932.

Any inquiries of a general nature relating to this application should be directed to the Group Receptionist whose telephone number is (703)308-0196.

Papers related to this application may be submitted by facsimile transmission. The official fax phone number for Technology Center 1600 is (703) 308-2742. Please affix the Examiner's name on a cover sheet attached to your communication should you choose to fax your response.

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The faxing of such papers must conform with the notice published in the Official Gazette, 1096
OG (November 15, 1989).

Hope A. Robinson, MS 

Patent Examiner



KAREN COCHRANE CARLSON, PH.D
PRIMARY EXAMINER